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TOWCHEYNGE

C O K E Y E M O R E

TEMP. HEN. VIII.

IN A DISPUTE BETWEEN THE LORDS OF THE MANORS
OF MIDDLETON AND RADCLYFFE.

WITH INTRODUCTION AND NOTES.



COMMUNICATED BY

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EXAMYNATYONS TOWCHEYNGE COKEYE MORE,
TEMP. HEN. VIII.

Introductory Observations.

IT is to be regretted that there is no date to this curious Record, which is partly written on both sides of two long sheets of coarse paper, fastened together by strong thread. The writing is clearly that of the early part of the reign of Henry VIII., and the document was found in the Muniment Room at Middleton Hall. From the dispute to which it refers having arisen previous to the death of John Radclyffe Esq. in 1513, and being continued in the lifetime of John, son of Roger Radclyffe, who died a minor in 1518, as well as prior to the attainment of knighthood by Richard Assheton, it may be safely inferred that these depositions were made about 1514 or 1515.

The history of commons — of pasture, fishing, estovers, turbary, &c., with its divisions into common in gross, appendant, appurtenant, and pur cause de vicinage, is a wide subject, and need not be introduced here except to mention that this dispute seems to have arisen out of the last named, by reason of neighbourhood, being a liberty which the tenants of one lord in one township had to common with the tenants of another lord in an adjoining town-

ship. The tenants of Middleton and Radcliffe had been accustomed, time out of mind, to have common promiscuously in both lordships, being contiguous and open to one another; but the property of the soil of Cockey Moor seems to have been, perhaps, altogether vested in the lord of Middleton. See Jacob's *Law Dict.* in voce *Common*.

The verdict of the Attorney General and Jurors, who were all magistrates and influential men in the county, and closely connected by family ties with both the disputants, has not been recorded; but as there are no evidences relative to the litigation remaining in the court of the Duchy of Lancaster, and as the township of Ainsworth continued to be parcel of the Manor of Middleton and passed with a coheiress of the last Sir Ralph Assheton to an ancestor of the Earl of Wilton, the present owner, it may be fairly assumed that the decision was in favour of Mr. Assheton.

It is just probable that the claim of the Radcliffes was not quite destitute of foundation nor unrecognized by the jurors, as at this day a small extent of land, being a plantation of fifty or a hundred acres, within the parish of Radcliffe, is called Cockey Moor, having been originally part of the common and adjoining the small hamlet of Starling in the township of Elton in the parish of Bury, being on the east side of the moor. This plot formerly belonged to the Radcliffes of Radcliffe.

The litigation, however, respecting Cockey Moor, did not terminate with these "Examynatyon," as, in the 3rd Edward VI. (1549,) Richard Assheton prosecuted in the Duchy court Robert Aynsworth and others for trespassing on grounds called "Cokkamore," in Aynsworth in Middleton (*Cal. Plead.* p. 232). In the same year and in the same court, Robert Aynsworth and others, tenants of Aynsworth, prosecuted John Harper respecting a disputed right of common on Cokkey more waste in Middleton (*Ibid.* p. 262). The various feuds and disputed claims respecting the commons, with the riots, assaults, and rescues which arose out of them, were, during the first half of the sixteenth century, a fruitful

source of emolument for the lawyers and of anxiety to the litigants, as the Duchy Records abundantly evince.

Richard Assheton, involved in this dispute, was an eminent man, and his name is still fragrant in his native village. He distinguished himself by his bravery and valour at Flodden, and by his piety and munificence in rebuilding the Church of Middleton. He added considerably to his paternal estate, retained the royal favour and his country's gratitude, avoided the pilgrimage of grace, embraced the reformed faith, and, dying in a good old age 2 Edward VI.¹ escaped the persecutions of the next reign. It might seem that he did not obtain his spurs in gentle Surrey's camp, and yet his chivalry must have won the prize on Flodden Field.

On the death of John Radclyffe Esq. unmarried and a minor, 28th August 1518, anno 9 Henry VIII. the ancient inheritance passed to Robert Radclyffe, Lord Fitzwalter, afterwards Earl of Sussex.

There is something characteristic of the times in the various services imposed upon the humble sons of the Church here named by the several Rectors. The parish priest and chantry priest obtained their eggs and garlic, their poor John and haberdine, by the discharge of laborious duties, which the patron's son, dwelling, in Scripture phraseology, "amongst his own people," might deem incompatible with gentle blood and academic lore; but which the canons and constitutions of the Church and the rugged simplicity of the age considered to be in harmony with a profession of religious poverty, and not unbecoming in men who undertook to secure the repose of dead priests and to provide for the ease and dignity of living ones. It would be interesting to know the relative merits and accomplishments of these two wealthy Rectors and their sacerdotal assistants, especially of Assheton, the son of the patron of the living, and of Isherwood, the parish priest for thirty-seven years; the latter devoted to a life of active piety,

¹ "Syr Rychard Assheton, Knyght, xiiiij. Januarij, 2 Edw. vj." — *Register of Burials, Middleton.*

and the former the kinsman of belted knights with “spotless shields,” and the associate of laurelled warriors, squires, and yeomen erewhile rejoicing in the “form and force” of English bows and quivers, and not unacquainted with the dazzling splendours of the Court. His position and wealth would fit him for achieving apostolic triumphs amongst the more influential of his parishioners, whilst the pastoral staff and wallet, the devoted life, and, it may be hoped, blameless character of the venerable parish priest, would be appreciated by the rude and honest people of Cockey, and thus bring honour to his frock and a blessing upon the diocese. But a great crisis was at hand, the dawn of which had been long foreseen — and probably at Middleton.

EXAMYNATYONS TAKEN ATT MYDLETON IN THE CÖY
OF LANCAST^R AFFORE M^R HESKETHE LERNED IN THE
LAWES TOWCHEYNGE COKEYE MORE

Ex parte AYNSWORTHE.

RYC. HESKETTH

Depoſon & informaſon a for M^t¹ Alexand² Radcliff Robart Longley Robart Dokynfeld Edmnde Assheton Thurstan Tyllysley Bertylmewe Holcroft Esqwyers and many oy⁸

FFYRST that the said tretors shall take to theym whom yay lyst to Rede the Euidence of both the pte³ of y^e bovnd^s of the towne³ of Anysworth and allso of Radcliff

It. that the said tretors wt sych consell as thay thinke mete wt thaym examyn all sych wyttenesse³ on ay² of the said pte³ seually ychond³ by theym selfe to shew what thay can y^t is to say all sych wittne³ as is brōth⁴ afor thaym by M^t Assheton to depose where the bonds of Anysworth exp̄d⁵ in the euydenc of M^t Assheton be & therto sett the newe marks & tokynes & so to bonde how feere the town⁶ or hamell of Anysworth extends & where⁷ all Cokaymore or what pcell there of Is wythyn the said bonds or pcell or belongyng to Anysworth afor said

It. that lyke ordur be takyn to pve how fferr the bonds of the towne of Radcliff extendyth & wythere y^t xx ac̄s of pastur In the forest of totyngton specifield In the euydences of M^t Radcliff be any pcell of Cokeymore or not

¹ M^t, an abbreviation of Master. ² either. ³ each one. ⁴ brought.

⁵ expressed. ⁶ township. ⁷ whether.

1r. that both the pteys bryng afore the said tretors all sych euydence³ & oy¹ thynges as thay will abyde opon for there ptey w^towt fforther deleye & no more euydence³ aftward to be schewde thochyng² the p⁹.³

M^d. that the said Awarders chose to theym Thom^{“s} Howreden lernyd in the lawe and mette opon the said ground & causyd the said Ryc. Assheton to bryng forth his wyttenes³ & recorde³ wy^the the said Ryc Broght [viz.] xiii^{te} [men] wyche knewe the meyre³ and bonds of the said Towne³ as it hath ben vsyd & costomyd syth the tyme owt of mynd wyche name³ aperyth aft³ that is to wyt (m^d y^t non of thes mē are dwyllyng w^tin ye towne of Medulton nor Anysworth)

⁴ Rauff Brygge of the age of lxx ȝer^c
 Joh̄n Cay the son of Thom^{“s} Cay of y^e age of lxxiiii ȝer^c
 Wyll^{“m} Sand⁹son of the age of lxvi ȝer^c
 Jamys Anysworth of the age of lxxxi ȝer^c
 Jamys Crompton of the age of lxx ȝer^c
 Joh̄n Crompton of the age of lx ȝer^c
 Elys Cay of the age of lxxvi ȝer^c
 Laurens Lomal^{“s} of the age of lxx ȝer^c
 Elys Holt of the age of lvj ȝer^c
 Rauff Cay of Wedell of y^e age of lxxii ȝer^c
 Thom^{“s} Cay of the age of lii ȝer^c
 Edm^{nde} Grenhaghe of y^e age of lxii ȝer^c
 Pers fletcher of the age of lxiiii yer^c

Wherof the said Awarders chose vi of these wittene³ y^t is to wytt for Ryc. Assheton ptey

Willi^{“m} Saund^{“s}son of the p̄ch of Bolton and of the age of lxvi ȝer^c
 Joh̄n Crompton of y^e p̄ch of y^e Dayne & of y^e age of lx ȝer^c
 Jamys Crompton of y^e p̄ch of Bolton and of y^e age of lxxx ȝer^c
 Elys Cay of the p̄ch of Bury & of y^e age of lxxvi ȝer^c

¹ other. ² touching. ³ premises.

⁴ Many of these individuals are mentioned amongst the tenants of Sir Thomas Pilkington of Bury, Knt., in deeds dated 9 Hen. VI., 13 Hen. VI., 16 Hen. VI.—*Lanc. MSS.*, vol. xxxviii. pp. 5, 7, 11.

Jamys Anysworth of ye p̄ch of Bolton of ye age of lxxxi ȝer^e
 Lawrens Lomat^s of ye p̄ch of Bolton of ye age of lxx ȝer^e
 All these sworne opon a boke afor Alexand^r Radclyff Robart longley
 Thom^s Howreden lerned in ye lawe Robart Dokynfeld Edmnde
 Assheton Thurstā Tyllisley Bertilmew Holcroft Esqwyers to leyde
 the meyre^z truly betwene Anyswōth & Radcliff

M^d. that is to be knawn that the said vi men ledde these mayre^z foloyng
 opon thayre owthe^z¹ that is to wytt begynnnyng att ye carlyll mosse
 betwene Radcliff & Anysworth & so foloyng the mayre^z vnto Ryngley
 Hey & so to Ryngley Yate & so vnto Ryngley yorte² & so foloyng
 ryngley yorte vnto a hegge³ & a dyche wych depte^z⁴ Aynsworth &
 Bradshaw & so vnto the cornell⁵ of a hegge wych deptys Bury &
 Anysworth so that now⁶ pcell of Cockeymore was in Radcliff

Which is ca
now wtin R
cliff.

And also these said vi men schende⁷ opon theyre owghte^z afor the
 said awarders yt att ye said cornell of the hegge hard besyde the howse
 of Johñ Opynshaw metys iii piche^z⁸ yt is to wit Medulton p̄ch Bury
 p̄ch & Radcliff p̄che so yt a mā may sett a iii foyd stole in eū p̄ch
 a fote & so thay myght do in ii oy⁹ place^z of Anysworth and so thay
 shewid opon thayre owghte^z yt yay neū knew ner neū herd tell But
 that all Cockeymore was in Anysworth wtin ye pīch of Medulton
 and no pt of hit in Radcliff pīch & yt yay wold take opon thare charge
 as yay wold make unsware at the drefull day of dome

M^d. that I S^r Oluy⁹ Issherwode beyng p̄ische p̄st⁹ of Medilton xxxvii^{te} yers
 depose testifie & recorde I so long tyme beyng yer¹⁰ so mony yere^z was
 commandet xv^{te} yere^z togethur beyng p̄ische p̄ste to Syr John Barton

¹ oaths. ² yort, a field. *Lanc. Gloss.* ³ hedge. ⁴ departs, i.e. separates.

⁵ corner; see Halliwell in *voce*.

⁶ no.

⁷ *sen*, say; *send*, said; the word is still used.

⁸ parishes.

⁹ The duty of a Parish Priest before the Reformation was not to preach but to attend to the offices of the Church, to hear confessions, to absolve the penitent, to visit the sick, and to bury the dead. Isherwood seems to have been a Curate, and the Rectors whom he served probably took little duty themselves. It is the same still on the Continent.—See Wordsworth's *Notes at Paris*, p. 121, 12mo, 1854.

¹⁰ there.

pson of the same opon tuesday in the secunde weke of cleyne lenton¹ to syt att Radcliff church to here confession of the crystyn pepull of the hamell of Aynsworth & aft^r his dissesse I was then admittyd to the same ſervice wt M^t Edmnde Assheton now beying pson of Medulton xxijth yere; & in these yeres afor sayd I have had eu w^t me a pſte or tow & most in especiaill Sr Laurens Smyth cheantre pſt of Medilton w^t oy² gud pſts that we cheasse² to helpe me at such seasons/ this tyme was in the dayes and lyff of Syr Oly^u Smethurst Syr John Byndeglas Syr Thom^s Blaclaw Syr Hugh Radcliff and Roger Longworth³ all these beying pſons of Radcliff oon aft^r a nother in my tyme the lords of Radclif in these yere; I beying here at Medilton were named Jamys Radcliff Johⁿ Radcliff his son Ric. Radclif the son of John Sen^r and John brother to the said Ric. & now John the son of Rog^o⁴

¹ Clean-Lent, or the spring cleansing. Halliwell quotes a ballad, by Elderton, on *Lenton Stuff*, beginning —

“Lenton stuff ys cum to the towne,
The clensyng weke cum quickly:
You knowe well inowghe yow must kneele downe,
Cum on, take asshes tryckly,
That nether are good fleshe nor fishe,
But dyp with Judas in the dyshe,
And keepe a rowte not worthe a ryshe.”

MS. Ashmole, 48, f. 115.

² We chose, i.e. the Rector and the deponent.

³ None of these Rectors occur in Baines's Catalogue of the Rectors of Radcliffe. In the 4th Hen. VI. (1425) Christopher le Walker was Rector of Radcliffe.—*Lanc. MSS.* vol. xxiv. p. 297.

⁴ Agnes, daughter = James Radclyffe of Radclyffe Esq. = Cecilia, widow of Sir John of — Euby. son and heir 20 Hen. VI. living Leycester of Tableigh co. 17 Ed. IV. 1477. Cestr. Knt. 2nd wife.

John Radcliffe, son and heir. = Isabel, daughter of Hugh Tildesley of Tildesley Esq.

Elizab., d. of = Richard Radclyffe = Alice, dau. of	John Radclyffe	Roger Radclyffe =
Nicholas By- Esq. son and heir, S ^r R ^d Asshe- ton of Mid-	Esq. et. 40 16	Esq. liv. 20 Jan.
ron of Clay- settled his estates by will 15 H. VII.	H. VII. ob. 5	16 H. VII. ob.
ton Esq.	dleton Knt.	H. VIII. s.p.l. ante 4th April
s.p.	She ob. 1531.	5 H. VIII.

John Radclyffe of Radclyffe Esq. son and heir, born about 1499,
ob. unmarried 28 Aug. 1518, anno 9 Henry VIII.

all these lordes of Radclif in my tyme thus I comyng opon tuesday¹ next aft^r palme Sonday to Radclif ϵ y² herde the Confessiō of the said crystyn pepull of Anysworth ϵ y³ mynystret to thaym the blest Sacrament of the Awl³ ϵ at such seyson had w^t me at all tymes my Mays^{ts} proctors⁴ to reseyue my maist^{ts} dut^{ts} of all the hamell of Anysworth ϵ in these yers ϵ in my tyme I ne^u herde nō of all these ps ons afor said aske clayme ne no mā in thayre name no dut^t tethes emolimēts that comys or rises by the grace of god in Anysworth ϵ cokkey more bot hit was payd to my mays^{ts} ps ons of Medilton Sr John Barton ϵ Mt Edmīnde Assheton w^t owte any exceptiō or clayme or any tytill tyll this new late discorde fell betwene Mt Assheton of Medilton and Mt Radclif of Radclif also I ne^u herde tell in my dayes y^t nō of these lordes of Radclif a bowe⁶ rehersyd ne^u made clayme ne tytill to Cokkey more at no tyme ne ne^u occupyd nothyng y² bot be⁷ lycence of the Lords of Medilton ϵ that I haue deposed afor Laurens Starky Mt Snayde Mt Blondē and mony other ps ons beyng p̄sent the same tyme and this I wyll abyde by as a true prest oȝght for to doe

(Signed)

¹ Shrove Tuesday, the beginning of Quadragesima or the Lent Fast, was the most solemn season for receiving the auricular confession of the penitent's sins, and of imposing penances prior to absolution; but the same discipline seems to have been customarily observed here on Tuesday in Passion Week.

² there.

³ The Sacrifice of the Mass, or Holy Communion.

⁴ Proctors — procurators, the bailiffs or collectors of the fruits of a benefice for another.

⁵ Duties, not only the customary Lent offerings called Quadragesimal or Easter dues, but also such of the tithes and oblations as were at that season due to the mother church.

⁶ above. ⁷ but by.

M^d. that I S^r laurene Smyth chauntry p̄st at Medilton xxxvith yeres past
 beyng now of the age of lxxiiiith yeres beyng p̄yshe p̄st at Radclif
 xvth wekes & may remembur well when S^r John Bendeglas was pson
 of Radclif & aft^r hym S^r Thomas Blaclawe S^r Hugh Radclif & S^r
 Roger Longworth all these beyng ps ons of Radclif oon aft^r a nother
 in my tyme of Rememb'rance and contenually I have laburyd w^t the
 pish pste of Medulton to sit upon confescion w^t hym euy yere oon
 tweseday next aftur palme Sonday at all tymys my Maists procto's
 [went] to reseyue my maists duet^c of all the hamell off Anysworth &
 Cokkey more In the¹ yere; & in my tyme I neu^r herd non of all these
 ps ons afor said clayme ne no man in thayr name no duet^c tethes
 emoliment^c that comys or rysys be the grace of god in Anysworth &
 Cokkey bot hit was payd to M^t pson of Medilton S^r John Barton & M^t
 Edmnde Assheton w^t owte any exception or clayme or tytill tyll
 this newe late discorde fell betwene M^t Assheton of Medilton & M^t
 Radclif of Radclif Also I neu^r herd tell in my dayes that non of
 these Lords of Radcliffe a boue rehersyd neu^r made clayme ne tytill
 to Cokkey more at no time ne neu^r occupyd there bot be lycence of
 the lords of Medilton and that I wyll depose and² I shuld dept owte
 of this world

(Signed)

Lauren Smyth regent p̄son of Medilton

M^d that I Wylli^m Mandevell beyng s^ruand xxii yere; & proctor of Medilton xxth yere; depose testefye & recorde y^t I have reseyuid all man^f of
 duet^c ptenyng to Anysworth & Cokkey more in the pishe Church of
 Radclif tyll the vareans was betwene M^t Assheton of Medilton and
 M^t Radclif of Radclif and syne then at the Chapell of Cokkey more³

¹ these.

² even if.

³ This is the earliest mention of Cockey Chapel yet discovered. When Bishop Gastrell styled it "very ancient," he probably meant that it had existed prior to the

theyre resayuyng to M^t Edmnde Assheton pson of Medilton all
man^l of thethes as calf colt lambe swarne faleyng be the grace of
god on the said more w^t all man^l of duet^l nothyng except q that no
pson of Radclif ne no man in his name neu^l claymyd non sych
thyngs q that I wyll testefye recorde and depose apon a boke yff nede
requyre syth the yere^z aboffe said

(Signed)

Wthlm^m M^{dd}lton proctoz. to m^{ff} f^{or} of
my D^{lt}on

Reformation. It was originally a Chantry with an endowment, probably erected for
the use of the tenants of the manorial Lords of Middleton, and for the benefit of the
Lords themselves. — *Notitia Cest.*, vol ii. part i. p. 105, and *Notes*.

THE EXAMINACION of Witnesse in the mat^d of trau^{se} betwene Ric. Assheton Squyer opon the one ptie and John Radcliff Squyer opon that oy⁹ ptie afowre Ryc. Esketh concernyng the title of y^e comyn pasture & turbere opon Cokkey more for the ptie of the seid Ric. Assheton

James Openshawe of the age of lxxv 3er^q examynt opon a boke seyeth that he knaweth that S^r Rauff Assheton S^r Ric. Assheton & Ric. Assheton haue ben peseably possessed & seased of y^e seid Cokkeymore now in traūse and y^t the ten^{nts} of the seid John Radcliff nor none of yaim neūl hade nor occupied comyn pasture nor turbare opon the seid more bot yf it were by lycence of y^e said S^r Rauff S^r Ric. or Ric. or sum^o of thayme except it were prevely¹ that the said S^r Rauff S^r Ric. & Ric. nor yair ten^{nts} hade now knawlege y⁹of and forther he seyeth that all the calues colte³ & lambe³ that haue bene calued foled or lambet opon the seid more haue bene tythet to y^e pson of Medulton for the tyme beyng And that the hyue³ that now stand or haue stonden opon the Intak now in the holdyng of me the said James haue ben in likewise tithed to the said pson of Medulton And eu^l that he seyeth that the ten^{nts} of the said S^r Rauff S^r Ric. & Ric. haue yerely drywen² the catell beyng on the said more & the ten^{nts} of the said John Radcliff nor none of his auncest³ neūl medelt y⁹wt.

George Kirkman Edmnd Grenehalgh Elys Bothe John Bradley & John Harp exament opon a boke deposen & sayen that all the sayings & deposicions of the seid James Openshawe ben true

¹ prively.

² Commons were required by the 32d Henry VIII. c. 13, to be driven yearly at Michaelmas, or within fifteen days after; but the custom had long existed.

THE EXAMINACION of Wyttenesse in the
 mat¹ of travesse betwyxe Ryc. Assheton of
 Medulton esquier opon that oñ pty & John Radclyff
 of Radclyff esquier opon that oy² pty

John Hasnall of the age of lxxv ȝerȝ examynet opon a boke saythe that he
 was borne in Anysworth & and dwellyd theyre l ȝerȝ or he went
 thense & syth he come to Reysen & Reysen had he neuȝ knewe ne neuȝ
 herd tell that now¹ Lord of Radcliff neuȝ made clayme ne tytill to
 Cokkeymore ne neuȝ occupied there but by lycens of the lord of
 Medulton but now on late tyme/ Also the said John sayt that he
 hath ben at the dryvyng of the said More oftyn tymes & thay of
 Bury hath met thaym at boremā dych & they of Radclyff nor non of
 thaym neuȝ medulyt there w^t/ Also the said John sayth that yf thay of
 Bury fond² any of Radclyff bests thay pendyt³ thaym in bury fold⁴
 and yf we of Anysworth fond any best⁵ of Radclyff we pendyt thaym
 in Anysworth fold & thay were glad to borow thaym by licens and
 so Bury & we neuȝ pendyt nowther other but droffe the bests ouȝ the
 dych agayn & on a tyme the said John Remebers well that he & John
 Crompton & other were at the dryvyng of the said More & there sū
 caprils⁵ of Radclyf y^t were wyld & wold not be dryven & were droff
 ij of thaym into a myrsȝe⁶ & oñ of thaym was maid⁷ & drownyd in
 the said myrsȝe and neuȝ non of Radclyf askyt no mend⁸ for it and
 thus I wyll make gud as a trewe mā oght to do

George Kyrkemā of the age of lxxvj ȝerȝ & was borne in Anysworth & his
 ffather afor hym wyche was callyd Ely Kyrkemā & was of the age of
 lxxxj ȝere or he deyd sayth that he nor hys father afor hym herd neuȝ
 tell neuȝ knew that any of the Lords of Radclif had any Ryght ne

¹ no. ² found. ³ impounded. ⁴ pinfold.

⁵ Caprils were probably wild goats; although the term "wild" is commonly applied in the neighbourhood to any unmanageable animal. They were not beasts of the forest, chace, or warren.

⁶ marsh. ⁷ mad.

neū made tytyll nor clayme to the said more but occupied by lyens & that John Openshawe that ded is boroyd¹ hys best² by a boīgh² & a wedde³ & pnyssed to trespass no more & laurens Alyns Hugh Herdmā & Jamys Herdmā all these had theyre bests pendyt in Anysworth & come to the fold of Anysworth & boroyd by lyens & promysed to hold thayre best & be syde the more amoneth or vj weks afor Elys bothe John Harp Thomas Anysworth John Bradley & other & that there was neū ȝate⁴ come vp to cokkey more owte of Radclyff but a letull fleke⁵ that was for the most part teyed fast vntyll now on late tyme thys waryens⁶ fell & thys I wyll make gud as a true man oȝght to do

And also the said George Kirkmā sayth that he may Remembur that the lords of Medulton and thayre tenants hath ymployed⁷ thaym & taken owte of cokkeymore iiiii intakk⁸ & so is occupied at thys day as seūall⁹ & that neū no lord of Radclyf medult therew^t And also that he Rememburs that John Opynschay that was the suñe of Decon Opynschay oy⁹ wyse callyd Rye. Opynschay desyred the said George apon a tyme to goe to the lord of Medulton to get hym lycens for to take in half a nacre of cokkeymore for to socure¹⁰ hys howse from the bests of the More that wold rub downe the woy¹¹

Willm Hepe off ye age off lx zer² saythe y^t opon xx^{te} ȝer² past he journeyd to Radclyf to bye bese & mett w^t Jamys Herdman and Rob^t Alens &

¹ From boppeh, *A. S.*, to bail. ² A bopgh, *A. S.*, a surety.

³ A pedðe, *A. S.*, a pledge. ⁴ gate.

⁵ A flake is a paling or hurdle, a temporary gate or door. — Halliwell *in voce*.

⁶ Doubtless the variance almost led to war. ⁷ improved.

⁸ Inclosures from the common.

⁹ That is a portion of common assigned for a term to a particular proprietor, the other commoners waiving for the time their right of common over it. — Hunter on *Shakspeare*, vol. i. p. 267; Halliwell's *Dictionary*, vol. ii. p. 724. Nares, however, assigns the precise meaning here given to the word: "an enclosed pasture as opposed to an open field or common." — *In voce* SEVERAL.

¹⁰ secure.

¹¹ walls, built of clay or timber, or both united. "Wloys" is still the true vernacular.

sayd to theym y^t thay [had] affeyr¹ ease off kokkey mor to put ther besse² on \wp the seyd Jame \wp \wp Rob^t seyd they hade hit bot by lycens

ffor Kockay More — *ex parte Radclyffe.*

Ryc Lūmals of the eygh³ of lxxxiii [93] ȝer says the Lord [of] Radclyff and hys tenands have occupyett \wp cokkey mor tyme owtte of mynd uentyll the tyme on Ryc. barton y^t was lord [of] medylton mad a pȳfold on cokkey more and pȳnyd the besse of the tenands of Radclyff And Jamys Radclyff y^t was att y^t tyme lord of Radclyff sends his son and his heyr to breyke the fold and to take owte thayre bests/ And theyn by the space of xxx ȝer \wp mor ytt was occupyett pleysable tyll the tyme that S^r Ryc. Assheton late lord [of] medylton \wp Ryc. Assheton now lord of medylton mad tytyll vnto the afforsayd cokkey mor

Also y^e afforsayd Ryc. says y^t xxx ȝer \wp past S^r Ryc. Assheton mad tytyll to Radclyff mor cald the qwytte mosse and cokkey mor And theyn the afforsayd S^r Ryc. Assheton lord of medylton \wp Ryc. Radclyff lord of Radclyf were boundē by oblygacyon to abyde the dome \wp the awarde of S^r John bothe knyth \wp lord of barton \wp Wyllyā Radclyff lord of Ordsall as towchyngh the morys afforsayd/ And so the aforsayd Awarders mett on the qwytte mosse in Radclyff and theyn ytt was meyrytt and awardett that thay shuld occupye cokkey mor as thay had down affortyme

Also the sayd Ryc. says y^t oñ Ryc. Opynscha heyr of the schae toke a encrochementt on cokkey mor w^t y^e lycens off John Radclyff

¹ To affear or affer, from *affier*, an old law term for to settle or confirm; hence *affeerers* were a sort of manerial arbiters, whose business was to affirm upon oath what penalty they thought should be adjudged for certain offences not settled by law. The word occurs in the statute 25th Edward III. c. 7. Jacob gives the form of oath used in the Courts Leet and Baron by the affeerer. *Dict. in voce.* Nares, *ibid.*

² The vernacular plural of beast, and still pronounced *bēas*. ³ age.

lord of Radclyff and the sayd Ryc. Opynscha occupyett the sayd encrochement by the space of xx^t ȝer And theyn Jhon hys son occupyett hytt hys tyme and theyn oñ Jam^s Opynscha dwellyng i eynsworth¹ a brother of the afforesayd John occupyett ytt by the space of iii or iiij ȝer^c beyng nott heyr/ And oñ John Opynscha beyng heyr and owtte off the contre att y^e warres heyring tell y^t hys uncall John and hys fether wer² ded came home and claymatt hys land and the afforeseyd Jam^s wold not suffur hym to occupye ytt ne to haue dedys² hentyll the tyme he was agrett w^t all/ And y^e afforsayd Johñ gaffe vnto the afforsayd Jamys a pcell of money and gaff hym lycens to occupye y^e afforseyd encrochementt and to sett in hys hywes³ and now y^e lord of medylton claymes ytt for hys owne

Also the sayd Ryc. says that Cokkey mor hath beyn occupyett w^t y^e tenands of Radclyff w^t turber² to gyff and sell att thayr pleysur and to comyn pastur w^t all thayr bests

Also the theȝythes⁴ that hath newytt⁵ oñ the forsayd mor as fowle calfe lambe and wole w^t all other thyngs thȝyable⁶ hath beyn gyffen vnto the pson of Radclyff and so ȝett⁷ ytt is occupyett

Wyllýā Schosmyth of y^e egh of lxxiiii ȝer^c says y^t John Radelyff y^t was lord of Radelyff xxx^t ȝer^c past gaffe lycens vnto oñ old Ryc. Opynscha y^t was heyr of the Scha to take a encrochementt on Cokkey mor² and ther in to sett hys hywes⁸/ the afforsayd Wyllýā was by att the same time

Also y^e afforesayd Wyllýā says y^t oñ John Opynscha the qwich was heyr vnto the afforesayd Ryc occupyett the afforesayd encrochementt xv^{te} ȝer⁹ and deptyd⁹ w^towte yssewe

¹ Ainsworth. ² title deeds. ³ hives. ⁴ tithes.

⁵ This word does not occur in Nares or Halliwell. It means arisen, accrued, or become due, although its etymon is doubtful.

⁶ titheable. ⁷ yet. ⁸ hives. ⁹ departed — died.

And oñ Jamys Opynscha dwellyng in^o Aynysworth brother of the afforsayd John occupyett the land beyng not heyr by y^e space of iii or iiiii ȝer. And John Opynscha beyng heyr and in¹ the contre heyryng tell y^t hys grandfather & father wer^o ded came into the contre and claymgett hys land/ the afforesayd Jamys wold nott suffur hym to occupye hys land ne to haue his dedys vnto the tyme he was agrett wt all/ And then the forsayd John gaff vnto the afforsayd Jamys a pcell of money to haue hys lands and deds/ And gaff him lycens to occupye the encrochementt wt hys hywes/ and the lord of medylton clames ytt as a pcell of hys owne lande

Also the said Wylyā says y^t xxx ȝer^o past ther was waryans² betwixt S^r Ryc. Assheton lord of medylton & Ryc. Radclyff lord of Radclyff as towchynge cokkey mor & quytte³ mosse in Radclyff/ The afforesayd partyes were bonden by oblygacyon to abyde the dome and awarde of S^r John bothe knyght and lord off barton & Wylyā Radclyff lord of Ordsall/ And thaye mett oñ the qwyttie mosse in Radclyff and meyrett ytt betwixt theym/ and awardett thaym to occupye cokkey mor as they had down affortyme// The same Wylyā was p̄sent att the same tyme and dyd help to make a dȳch oñ the qwyttie mosse the qwyttie ys the meyr ȝett

Also the said Wylyā now tenand to the lord of Radclyff hath occupyd Cokkey mor^o wt all hys bests and hath had turber^o to gyff and sell att hys pleysur and gyffen such th̄ies⁴ as ther^o hath newytt vnto the pson of Radclyff

Jamys Herdmon off the eygh of lxiii ȝer^o says y^t hys father and grandfather haue eūl occupyett cokkey mor wt all thayr bests and theyr haue had turber^o to gyff and sell att thayr pleysur Also the sayd Jamys says y^t thay haue paytt thayr theythes vnto the P̄son of Radclyffe as fowle calfe lambe wole wt all other theythes y^t ther^o wer^o newytt

John Crōchlaw dwellyng in a place cald lytyll leuu^o wt in the parech of

¹ qu. out of.

² variance.

³ white.

⁴ tithes.

bolton in ye morys and of ye eygh of lxxxiiii ȝerȝ says yt he was howsehold S'vand att Radelyff by the space of lx ȝerȝ past and theyn the lord of Radelyff ȝ tenands had comyn pasturȝ to cokkey mor afforsayd/ accordyng to the saying of theys men wryten afforȝ

Also the afforsayd John says yt xxxte ȝerȝ past yr was awayas¹ betwyx S'r Rychard Assheton and the lord of Radelyff theyn thay wer both greutt² to abyde the dome ȝ the awarde of S'r John bothe knyght ȝ lord of barton and Wylyā Radelyff lord of Ordsall and so thay meyrett the qwytte moss betwyx thaym and cokkey mor thay wer bownden by oblygacyon to occupye as thay had don affortyme for euȝ

Also the sayd John says that qwen the waryanc and mettyng³ on cokkey mor was betwyx Rye. Assheton now lord of Medylton and John Radelyff lord of Radelyff yt last deytt⁴ Theyn he and v other ps ons yt ys to wytt Jhn Walker Wylyā Haslū Thomas ffleccher Perys Holt ȝ Rogȝ Leyuȝ testefyed this mat⁵ for thrwe⁵ affor me lord the Justys of Lanchastr. Also the sayd John ys cōtente to testyfye ytt opon the holy ewangelyst⁶

¹ There is no instance of this form of the word variance in Nares, Halliwell, &c.

² agreed.

³ meeting.

⁴ died.

⁵ true.

NOTE S.

PAGE 7. “*Mr. Hesketh.*”] Richard Hesketh was a member of a Lancashire family not unknown either to history or heraldry. He was the second son of Robert Hesketh of Rufford Esq. and of Alice his wife, daughter of Sir Robert Booth of Dunham Massey Knt. and niece in half blood of Lawrence Booth, Archbishop of York and Lord Chancellor, whose birth was not obscure, and whose merits were various. See Campbell’s *Lives of Lord Chancellors*, vol. i. p. 389. Baines states (vol. iii. p. 427) that the Hesketh pedigree has been “evidently drawn up with great care,” and yet implies that Richard Hesketh’s mother was not Alice Booth, (p. 426,) an altogether unwarranted implication. Nor is this the only erroneous statement in the pedigree, Richard Hesketh being there recorded as the husband of Grace, daughter of John Towneley of Towneley, whereas he married Elizabeth, daughter and heiress of Cuthbert Clifton of Clifton Esq. by his wife Alice, daughter and coheiress of Sir John Lawrence of Ashton Hall near Lancaster Knt. Having no issue by Richard Hesketh, whom she survived, she married secondly Sir William Molyneux of Sefton Knt. (a widower,) and had issue by him one son, who inherited her manor of Clifton, and two daughters. Grace, daughter of John Towneley, was the wife of Sir Robert Hesketh, the nephew of Richard here named; whilst Thomas Hesketh, Richard’s elder brother, married Grace, daughter of Sir Richard Towneley Knt. but had no child. — *Harl. MS.*; Whitaker’s *Hist. of Whalley*, p. 344; Baines, vol. iii. p. 428, *Note*; *Lanc. MSS.* vol. xii. *Ped.* Richard Hesketh belonged to a Lancastrian house, and being brought up to the law, was indebted for his promotion to the good offices of Margaret Countess of Richmond and Derby, the generous patroness of learned men. His influence in Lancashire was great, and his practice of the law profitable to himself, and it may be hoped not less so to

his clients, as his name frequently occurs in Lancashire evidences, in conjunction with Sir Anthony Fitzherbert, Lawyer Hawarden, and others. In 1506 he was engaged in the great suit respecting the will and subsequent proceedings of the feoffees of Warden Huntington of Manchester College, (*Not. Cestr.* vol. ii. part i. p. 60,) and he was appointed an executor of the will of Thomas first Earl of Derby K.G. dated July 28th and proved November 9th 1504, being therein styled "a trusty servant" of that potent nobleman. His official connection with the Derby family also led to his appointment as an executor of the will of Thomas the second Earl, who died 23rd May 1521, along with his brothers Thomas Hesketh of Rufford Esq., Hugh Hesketh, Bishop of Man, and others, who are called the Earl's "trusty friends," Cardinal Wolsey, the Lord Chancellor, and Hugh Oldham, Bishop of Exeter, being amongst the supervisors of the will.—*Testamenta Vetusta*, vol. ii. pp. 460, 590. Richard Hesketh was appointed Attorney General of the Duchy of Lancaster by Henry VIII. and died in the year 1520, 12 Henry VIII.—*Lanc. MSS.* vol. iii.

IBID. "Alexander⁹ Radcliff."] Alexander, eldest son of John Radclyffe of Ordsall near Manchester Esq. (ob. 12 Henry VII.) by his wife Elizabeth, daughter of Sir William Brereton of Cheshire Knt. succeeded (5th May 1498) his grandfather William Radclyffe of Ordsall Esq. who had married Jane, daughter of Sir Edmund Trafford of Trafford Knt. Alexander Radclyffe was born in 1476, knighted by Henry VIII. and being High Sheriff of Lancashire in 1546 at the death of Henry VIII. was continued in the office by Edward VI. during the following year. He married Alice, daughter of Sir John Booth of Barton Knt. and dying at Ordsall 5th February 1548 æt. seventy-two years, was buried with his ancestors in the Choir of the Collegiate Church of Manchester.—*Lanc. MSS.* vol. xiii; Baines, vol. i. p. 205. His inquisition was taken 3 Edward VI. See *Not. Cestr.* vol. ii. part i. p. 67, *Note* 6.

IBID. "Robert Longley."] Robert, son of Thomas, and grandson and heir of Robert Langley of Agecroft Esq. and of his wife Eleanor, daughter of William Radclyffe of Ordsall Esq. (Booker's *Prestwich*, p. 196,) which match is not, however, recorded in the elaborate MS. pedigree of Radclyffe of Ordsall deduced by William Radclyffe Esq. Rouge Croix (*Lanc. MSS.* vol. xiii. p. 196). Robert Langley, maternally descended from the Asshetons, was the manorial lord of Prestwich, and presumed to be descended

from the Langleys of Langley in the adjoining parish of Middleton, the parent house of Cardinal Langley, and an offshoot from the great feudal family of Middleton of Middleton. He was born in 1491, and in 1512, being then aged twenty years and six months, succeeded his grandfather. He was knighted by Henry VIII. was twice married, and died in 1561 æt. 70, s.p.m. being the last heir male of his family who resided at Agecroft. An interesting account of the old Hall of Agecroft is given in Booker's *History of Prestwich*, (p. 198 et seq.) Some memorials of the rival houses of York and Lancaster still exist in "the storied pane," and the initials **H. E.** (Henry and Elizabeth) and **R. L.** (Robert Langley), with the armorial bearings, occur in several of the older parts of the house. This ancient seat is still occupied by the descendant of the Langleys. See *Notitia Cestr.* vol. ii. part i. p. 51.

IBID. "Robart Dokynfeld."] Robert, son of Robert, and grandson and heir of John Dukenfield of Dukenfield in the county of Chester Esq. by his wife Katherine, daughter of Sir John Assheton of Assheton Knt. and of his first wife Isabel, daughter of Sir John Elland of Brighouse near Halifax Knt. a lady who, according to the Lancashire pedigrees of the family, married four husbands: (1) Oliver Mirfield of Howley Esq., (2) Sir John Melton of Aston; (3) Sir John Waterton of Methley; (4) Sir John Assheton, who was made Knight of the Bath at the coronation of Henry IV. and Captain and Bailiff of Constantine in France. On a brass in Wakefield Church was this inscription :

Hic jacent ossa Domine Essabellæ
Asheton nuper uxoris Johannis
Asheton Militis et Mater Willielmi
Mirfield Milit. obiit tertio Maij
m. cclxxviii.

(*Lanc. MSS.* vol. xii.) Robert Dukenfield, here named, married in 1473 (13 Edward IV.) Elizabeth, daughter of —— Mirfield of Howley Hall in the county of York Esq. He was living in 1512. The Baronetcy conferred upon Colonel Dukenfield, the parliamentary partisan, in 17 Car. II. has descended to the Rev. Sir Henry Robert Dukenfield the seventh Baronet; but the principal Cheshire and Lancashire estates have long been alienated from the title.

IBID. “*Edmunde Assheton.*”] Edmund, son and heir of John Assheton and of his wife Lettice, daughter and coheiress of Perkin Talbot of Shuttleworth in Whalley, Esq. and grandson of Edmund Assheton (second son of Sir Thomas Assheton of Assheton Knt.) the first of Chadderton in right of his wife Johanna, one of the daughters of Richard Radclyffe and a coheiress of her grandfather Sir John Radclyffe of Chadderton Knt. escheater of Lancashire 12 and 14 Henry VI. who was the lineal descendant of Geoffrey de Chadderton, a younger son of Richard de Trafford, living in the time of King John (see *Lanc. MSS.* vol. xxxi. p. 172, from the record in Coll. Arm. London). Edmund Assheton here named married Jennet, eighth daughter and coheiress of Sir James Harrington of Wolfage in Brixworth in the county of Northampton Knt. (he ob. 6th June 1497) and of his wife Isabella, daughter of William Radclyffe of Ordsall, Esq. He died 34 Hen. VIII. (1542), having purchased Shuttleworth Hall and lands in Hapton, and was seized also of lands in Chadderton, Rochdale, Oldham, &c. his son and heir James Assheton being at that time of the age of 48 years.—*Lanc. MSS.* vol. xxxi. p. 171. The last heir male of the family, the Rev. William Assheton, sold the estate, and was buried in his own Chapel, within Prestwich Church, 28th February 1731-2.—*Ib.*

IBID. “*Thurstan Tyldesley.*”] Thurstan Tyldesley of Tyldesley and Wardley Esq. was son and heir of Thomas Tildesley Esq. who ob. 18 Hen. VII. (1502), by his wife Anne, daughter of William Radclyffe of Ordsall Esq. and great nephew of Thomas Tyldesley Esq. Sergeant at Law, who died 12 Henry IV. (1410). He was the fourth in descent from Thurstan Tyldesley who obtained the manor of Wardley in the time of Edward III. by his marriage with Margaret, daughter of Jordan, son of Richard de Worsley Esq. and to which Jordan his elder brother Henry gave the manor of Worsley. (See *Lanc. MSS.* vol. iv. art. *Worsley*, and *Whalley Couher Book*, vol. i. pp. 55-6, *Note*, vol. iii. p. 888, *Note*.) Thurstan Tyldesley here named was in the commission of the peace and a grand-juryman for the county palatine of Lancaster, 14 Henry VIII. (1522).—*Lanc. MSS.* vol. xiv. p. 47. He married twice; first Percival, daughter of Geoffrey Shakerley of Shakerley in the county of Chester Esq. by whom he had issue Thomas his heir, three other sons, and four daughters; and by his second wife, Jane, daughter of Ralph Langton, Baron of Newton, he had issue three daughters and one son, Edward, who succeeded to the Tyldesley estate, hereditary from the time of Henry III. or John, and also to the Deputy

Forestership and Lodge of Myerscough, held under the Duchy of Lancaster. Thurstan Tyldesley died 1 and 2 Philip and Mary, in which year his inquisition was taken, and the division of the Tyldesley estate followed his death, his son Thomas succeeding to Wardley in Tyldesley, with a reputed mesne manor, and to the Billsborough property. The former was sold in parcels by Thurstan, son of this Thomas, and father of Sir Thomas Tyldesley of Gray's Inn Knt. Attorney General and Vice-Chancellor of the Duchy of Lancaster.—See *Lanc. MSS.* vol. iii.; vol. xiii. *Ped.*; vol. xxiv. p. 360; and Dr. Ormerod's *MS.* quoted in the *Stanley Papers*, part ii. p. 197, *Note.*

IBID. “*Bertylmewe Holcroft.*”] Bartholomew Holcroft Esq. a Lancashire magistrate 14 Henry VIII. and presumed to be of the family of Sir John Holcroft of Holcroft in the parish of Leigh.—Baines, vol. iii. p. 129 et seq. His name does not occur in the Holcroft pedigrees nor in Grafton's Lancashire Collections in the College of Arms.

PAGE 8. “*Thomas Hawarden.*”] Thomas Hawarden, “learned in the laws,” and in 1519 Deputy Recorder of Chester, and Clerk of the Mayor's and Sheriffs' Courts in that city, was the son of Thomas Hawarden by his wife —, daughter of John Leycester of Tabley in the county of Chester, and grandson of John Hawarden of Hawarden in the county of Flint, who married Amabell, daughter and heiress of Hugh Wolston of Wolston in Warrington in the county of Lancaster. It appears from the *Visitation of Lancashire in 1567* in Coll. Arm. that Thomas Hawarden Esq. here named, married Jane, daughter of John Stanley of Lathom Esq. and had issue John, (in the commission of the peace for Lancashire—*Lanc. MSS.* vol. xiv. p. 47,) who died in 1556 seized of the manor of Wolston, who by his wife Ellen, daughter of Adam Hulton of the Park Esq. had two sons and two daughters, the elder son, Adam, leaving by his wife Alice, daughter of Sir William Norres of Speke Knt., John, who died apparently s.p., and five daughters; Elizabeth, the second daughter, conveyed the estate of Wolston, 20th August, 1574, to her husband, Alexander Standish of Stan-dish Esq. in whose family it still remains. The old Hall has or had within it a domestic Roman Catholic Chapel. In 1613 the Hawardens of Apple-ton in the county of Lancaster recorded a pedigree of four descents, but did not trace their connexion with the Wolston house. In the *Lanc. MSS.* vol.

xxxviii. pp. 402—405, there is a collection of abstracts of deeds relating to the manor and family of Wolston of Wolston from about the time of Henry III. to 7 Edward IV. They were probably the descendants of the Banasters lords of Makerfield, of whom they held their lands. It is not stated how the lawyer here named was connected, if at all, with John Hawarden Esq. nominated Attorney General for the Duchy of Lancaster by Edward IV. in 1482, and who had an annual fee of vi^l xiii^s iv^d, which, it may be safely assumed, would only be a small part of the emoluments of his office, (Baines, vol. i. p. 139 ; iv. p. 579, *Note*, and p. 821,) and who was also Justice of Chester, and ob. 15th October, 1502.—*MS. Notes* of the City of Chester from A.D. 1300 to 1620, formerly belonging to the Rev. William Richardson, Vicar of St. John's, Chester.

PAGE 9. “*S'r Oluy⁹ Issherwode.*”] Sir Oliver Issherwode, a long-lived parish priest, occurs 12th June, 18 Edward IV., (1478). In that year “Magister Johēs Scolfeld et Oliuerus Yscherwode capellani,” were feoffees of Hugh Holt of Ashworth in Middleton in the county of Lancaster Gent. and at that time reconveyed to Holt (the descendant, through a female, of the old feudal family of Middleton of Middleton) his manor and lands of Ashworth, as well as his personal estate, which had been escheated by Thomas Lathom, the King's Escheator in the county of Lancaster, or by Alan Holt, his deputy within Salfordshire. This property having been sold to Richard Barton of Middleton, James Radcliffe of Radcliffe, and Adam Holt, on the 1st April 27 Henry VI. (1449), owing to the outlawry of Hugh Holt for an offence against the King committed in the county of York, it is probable that some political transgression had led to its confiscation, and to its purchase, evidently for the heir, by family connections.—*Lanc. MSS.* vol. xi. p. 268. On the 10th November 15 Henry VII. (1500), Henry Holt of Balderston (near Rochdale), Thomas Hill, and Oliver Ussherwode, Capell. were feoffees of Ralph Butterworth of Low House in Butterworth.—*Ibid.* vol. i. p. 159. Once more he is found as an attester at Milnrow as “Oliver Issherwoode, Capell.” on the 10th March 12 Henry VIII. (1520), which induced the writer many years ago to conclude that he was chantry priest of Milnrow, and as he here styles himself “quondam” parish priest of Middleton, (about 1514 or 1515,) the conjecture may still be allowed.—*MS. Catalogues of Vicars and Clergy of Rochdale Parish, Lanc. MSS.* He became parish priest to Sir John Barton before the year 1478, and remained in that office until the Rector's death,

about 1493. Mr. Edmund Assheton apparently had the benefit of his services for twenty-two years from the latter date.

IBID. “*Syr John Barton.*”] Sir John Barton, Rector of Middleton, has escaped the notice of all the local historians, and finds no place in any of the visitations or other genealogical collections. Dodsworth has a meagre outline of the family, from which it appears that Roger de Middleton (who presented his son John de Middleton, clerk, to the Rectory in 1297 — *Lanc. MSS.* vol. xiv. p. 57—and whose son Robert granted all his lands in Middleton to Roger his father, by deed dated 24 Edward I.—*Ib.* p. 59,) was fined for settlement of his estate 10 Edward II. (1316), and died before 16 Edward II. (1322), leaving by his wife Agnes six daughters, his coheiresses, of whom Matilda, or Maud, the eldest, married John Barton of Fryton in Rydale (the John de Kydale of Baines and others) in the North Riding of the county of York, by whom she had probably Ralph Barton, who died seized of the manor of Middleton 8 Henry IV. (1406), and a son and successor, William Barton of Middleton, who married (ante 44 Edward III.) Isabella, daughter of William de Radclyffe (alive 6 Henry V.) whose son and heir Richard Barton (alive 6th September 9 Henry V.) had issue two sons, viz. Richard, who married Alicia, daughter of Sir John Byron of Clayton (alive 5 Edward IV. and then a widow), and John Barton, who married Margaret, daughter of Sir Nicholas Byron Knt. Margery, sole daughter of John, and heiress of Richard Barton, (whose son Thomas ob. v.p., and whose son Richard appears to have had no male descendants capable of succeeding to the inheritance) married (covenant dated 15 April 17 Henry VI.) Sir Ralph Assheton, the owner of Middleton *jure uxoris*. He was the son of Sir John Assheton of Assheton by his second wife, Margaret, daughter of Sir John Byron of Clayton Knt.—*Lanc. MSS.* vol. xxxvii. p. 197, et vol. xiv. pp. 58—75. Sir John Barton became Rector of Middleton before 1478, and died about 1493. He probably is the same person who 25 Henry VI. (1446), along with James de Radcliffe Esq., Richard Barton of Middleton Esq., John de Radclyffe, Richard de Illingworth, (John de Barton, clerk,) and Richard, son of Richard de Barton, conveyed to Richard de Radclyffe del Rhodes the lands which they had received as trustees of Richard de Bamford in Middleton, Spotland, Bury, Withington, &c.—*Lanc. MSS.* vol. xiv. p. 80. He also occurs 21 Edward IV. (1481), when Henry de Holt of Balderston grants to John de Barton, Rector of the Church of Middleton, Thomas le Wryght, Vicar of Eccles, Richard, son

and heir of William de Hilton Esq., and John, brother of the said Richard, all his lands called the Kirkholt in Balderston, the attesting witnesses being Richard de Barton, Thomas Hopwood, Ralph Orrell, and Elias Entwistle.—*Ib.* vol. xiv. p. 86.

PAGE 10. “*M^t Edm^{nde} Assheton.*”] Edmund Assheton, Clerk, Rector of Middleton, appears in the MS. Pedigree of the family, deduced by Mr. Vernon of Shakerley in 1676, as the third and youngest son of Sir Richard Assheton Knt., the third head of his family seated at Middleton, and of his wife, Ann, daughter of Sir Robert Foulhurst of Crewe in the county of Chester Knt. A computation of dates would, however, rather lead to the conclusion that he was the uncle of that distinguished individual, whose father died 28th April 1507, and in the following year his son and heir, Richard, was found by inquisition to be of the age of 26 years (born about 1482), and not likely to have a son Rector of Middleton when he himself was not more than 34 years of age. The Rector was therefore, more probably, the son of Sir Ralph Assheton, who had married the heiress of the Bartons, one of whom he succeeded in the living of Middleton about the year 1493. On the 6th June 3 Henry VIII. George Atherton of Atherton Esq. conveyed to Richard Assheton of Middleton Esq., Edmund Assheton, clerk, Rector of Middleton, and John Hopwood of Hopwood Esq., all his lands in Ashton in Makerfield, and the services of Sir Edward Stanley Knt., Thomas Gerard of Bryn Esq., Thomas Hesketh Esq., &c.—*Lanc. MSS.* vol. xiv., p. 76. Edmund Assheton occurs in the manuscript pedigree as living 13 Hen. VIII. (1521), and it is there noted—“In the Parish Churche of Middleton, on a brasse plate on a tombe, I finde this inscription:

Hic jacet Magister Edmundus Assheton
Rector istib^s Ecclesiae qui obiit xxi^o
die mensis Avgvsti A.D. m.d.xxi.
Vra D^rミニtalis C. Cujus a*ī*ae p^rpi-
tictur Debs. Amen.

I gvesse this to be this Edmvnd.”—*Lanc. MSS.* vol. iii. p. 231. Dr. Whitaker states that the ecclesiastic here named was Rector in 1524, when Middleton Church was rebuilt, and conjectures that he was the founder of the Choir and North Chapel. This supposition is founded on incorrect data, as Dr. Whitaker’s transcript of the brass is inaccurate. The date given by him is the “20 August 1532,” whilst that given by Mr. Vernon,

the family genealogist, is xxii August 1522, and so given in Mr. W. Sparrow Simpson's list of monumental brasses in *Notes and Queries*, May 5, 1855. A recent writer perversely adds to the perplexity by printing the date of the Rector's death 20 August 1524. — Butterworth's *Historical Notices of Middleton*, p. 27. Since Whitaker's time, this low and venerable tomb has been concealed by alterations in the Rector's Chapel; but during some judicious repairs in February, 1834, remnants of it were discovered which fix the date, but the mutilated tomb and brass were afterwards closed up, and now remain concealed from view. Whitaker had seen the brass, as he correctly described the Rector as being pourtrayed in his priestly vestments. — *Whalley*, addenda, p. 525.

PAGE 12. “*S'r laurenc Smyth chauntrē p'st at Medilton.*”] He was probably the priest of Cardinal Langley's chantry, founded by that learned Ecclesiastic in Middleton Church about the time of Henry VI. See *Notitia Cestr.* vol. ii. part i. p. 98. The Cardinal, who died in 1437, appears to have been the friend, or at least the associate of Warden Huntington of Manchester College, 13 Henry VI. — *Lanc. MSS.* vol. xxxviii. p. 9. But long anterior to this date, William de Langley, clerk, was Rector of Middleton, and at Preston 4 Edward III. (1330), released to William de Walton and his heirs all his (Langley's) right in a messuage and two acres of land in Weswall, in Walton, &c. — *Ib.* vol. xiv. p. 75.

PAGE 17. “*S'r John bothe knyth & lord of barton.*”] Sir John Booth of Barton, the seventh in descent from John Booth of Barton, living 35 Edward I. (1306), was son and heir of Thomas Booth, by his wife Agnes, daughter of Sir John Assheton of Assheton, and was the husband of Helen, daughter of Nicholas Byron of Clayton Esq., by whom he had issue a son and successor, John, and three daughters. — *Lanc. MSS.* vol. xii.

IBID. “*Wyllā Radclyff lord of Ordsall.*”] William Radclyffe was the eldest son and heir of Alexander, and grandson and heir of Sir John Radclyffe of Ordshall Knt. He married Jane, daughter of Sir Edmund Trafford Knt., and dying May 5th, 1498 (13 Henry VII.), his inquisition post mortem being taken anno 14 Henry VII. was succeeded by his grandson and heir, Sir Alexander, eldest son of John Radclyffe Esq., who had died 12th April 12 Henry VII. v.p., by his wife Elizabeth, daughter of Sir William Brereton of the county palatine of Chester Knt. — *Lanc. MSS.*

vol. xiii. pp. 195 - 6. This Sir Alexander was contracted in early life and afterwards married to Alice, second daughter of Sir John Booth of Barton, mentioned in the preceding note. — *Ibid.* vol. xii.

PAGE 19. “*John Critchlaw.*”] For an interesting account of the Critchlaws, see Hunter’s *Life of Oliver Heywood*, p. 7. It was probably the grandson of this venerable man who, about twenty-five years after this time, “did not scruple to spend the afternoon of the sabbath-day in shooting at the butts on Lomas Moss, then a piece of uninclosed ground not far from Little Lever.” Mrs. Critchlaw, his good wife, “attended the zealous ministry of Mr. Hubbert at the chapel in Ainsworth (Cockey) about a mile from his residence.” — *Ibid.* p. 8.



